

## REMARKS

Applicant notes that in a teleconference between the Examiner and Applicant on August 20, 2008, Applicant pointed out that the Examiner had not included the Soules reference on the PTO-892 form attached to the Office Action.

Claims 7-11, 36, 40 and 46-58 are all the claims presently pending in the application. Claims 7-11, 36 and 40 have been withdrawn. Claims 1-6, 26-35, 37-39 and 41-45 have been canceled, and claims 46-58 have been added.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

With respect to new claims 46-53, Applicant notes the following:

1. The term "external lens" as recited in claim 46 is supported by the Application (e.g., see page 14, line 17). Further, the "external lens" may be defined as a lens made in separate process as described by Application at page 13, lines 17-23.

2. The phrase "a light convergence shape to converge light emitted from the light-emitting element" as recited in claim 46 is supported by the Application (e.g., see original claim 2).

3. The phrase "the recess is closely disposed surrounding the light-emitting element" as recited in claim 46 can be supported by the Application (e.g., see page 14, lines 20-21).

4. The phrase "light radiated from the phosphor layer portion can be converged like a spot by the light convergence shape" as recited in claim 46 is supported by the Application (e.g., see page 14, lines 6-7 and lines 25-27).

5. Claims 47 to 50 correspond to the original claims 3 to 6, respectively.

6. The term "the phosphor layer portion is formed on the entire surface of the recess" as recited in claim 51 is supported by Application (e.g., see page 13, lines 22-23 and FIGS. 5A, 5B, 7A, 7B, 8A, 8B and 9-10 etc.).

7. The phrase "the phosphor layer portion is formed uniform in thickness" as recited in claim 52 is supported by Application (e.g., see page 14, lines 20-21).

8. The phrase "the recess is formed circular or rectangular in a horizontal cross section thereof" as recited in claim 53 is supported by Application (e.g., see page 9, lines 20-24, page 9 line 29 to page 10, line 1, page 10, lines 10-24 and 28-29, and FIGS.5C, 6, 7C, 15B, 16 and 17B).

Applicant respectfully submits that none of the cited prior art references, either alone or in combination, teach or suggest the features of the claimed invention.

In view of the foregoing, Applicant submits that claims 7-11, 36, 40 and 46-58, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Date:

10/22/08

Respectfully Submitted,



Phillip E. Miller, Esq.  
Registration No. 46,060

**McGinn IP Law Group, PLLC**  
8321 Old Courthouse Road, Suite 200  
Vienna, VA 22182-3817  
(703) 761-4100  
Customer No. 21254